

Judge Zilly

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JUL 20 2017

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
BY WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff

NO. CR16-142TSZ

**PLEA AGREEMENT**

v.

WILLIAM ALI,  
Defendant.

The United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Thomas M. Woods and Rebecca Cohen, Assistant United States Attorneys for said District, Defendant, WILLIAM ALI, and his attorney, Peter Camiel, enter into the following Agreement, pursuant to Federal Rule of Criminal Procedure 11(c):

1. **The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enter a plea of guilty to the following charge contained in Count 1 of the Indictment, Conspiracy, in violation of Title 18, United States Code, Section 371. By entering this plea of guilty, Defendant hereby waives all objections to the form of the charging document and also waives any objection to venue. Defendant further understands that before entering his plea of guilty, he will be

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UNITED STATES ATTORNEY  
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SEATTLE, WASHINGTON 98101  
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1 placed under oath. Any statement given by Defendant under oath may be used by the  
2 United States in a prosecution for perjury or false statement.

3       2.     **Elements of the Offense.** The elements of the offense of Conspiracy, in  
4 violation of Title 18, United States Code, Section 371, are as follows:

5       First, there was an agreement between two or more persons to commit at least one  
6 crime as charged in the information;

7       Second, the defendant became a member of the conspiracy knowing its object and  
8 intending to help accomplish it; and

9       Third, one of the members of the conspiracy performed at least one overt act for  
10 the purpose of carrying out the conspiracy.

11       The elements of the object of the conspiracy, are as follows:

12       First, the defendant exported articles;

13       Second, the articles were listed on the United States Munitions List at the time of  
14 export;

15       Third, the defendant did so without obtaining a license from the State Department;  
16 and

17       Fourth, the defendant acted "willfully," that is, he was aware that it was unlawful  
18 to export the goods from the United States.

19       3.     **The Penalties.** Defendant understands that the statutory penalties for the  
20 offense of Conspiracy, as charged in Count 1, are as follows: imprisonment for up to five  
21 (5) years, a fine of up to two hundred and fifty thousand and no/100 dollars  
22 (\$250,000.00), a period of supervision following release from prison of up to three (3)  
23 years, and a special assessment of one hundred and no/100 dollars (\$100.00). If  
24 Defendant receives a sentence of probation, the probationary period could be up to five  
25 (5) years. Defendant agrees that the special assessment shall be paid at or before the time  
26 of sentencing.

1 Defendant understands that supervised release is a period of time following  
2 imprisonment during which he will be subject to certain restrictions and requirements.  
3 Defendant further understands that if supervised release is imposed and he violates one or  
4 more of its conditions, Defendant could be returned to prison for all or part of the term of  
5 supervised release that was originally imposed. This could result in Defendant's serving  
6 a total term of imprisonment greater than the statutory maximum stated above.

7 Defendant understands that in addition to any term of imprisonment and/or fine  
8 that is imposed, the Court may order him to pay restitution to any victim of the offense,  
9 as required by law.

10 Defendant agrees that any monetary penalty the Court imposes, including the  
11 special assessment, fine, costs, or restitution, is due and payable immediately and further  
12 agrees to submit a completed Financial Statement of Debtor form as requested by the  
13 United States Attorney's Office.

14 4. **Rights Waived by Pleading Guilty.** Defendant understands that by  
15 pleading guilty, he knowingly and voluntarily waives the following rights:

- 16 a. The right to plead not guilty and to persist in a plea of not guilty;
- 17 b. The right to a speedy and public trial before a jury of his peers;
- 18 c. The right to the effective assistance of counsel at trial, including, if  
19 Defendant could not afford an attorney, the right to have the Court appoint one for him;
- 20 d. The right to be presumed innocent until guilt has been established beyond a  
21 reasonable doubt at trial;
- 22 e. The right to confront and cross-examine witnesses against Defendant at  
23 trial;
- 24 f. The right to compel or subpoena witnesses to appear on his behalf at trial;
- 25 g. The right to testify or to remain silent at trial, at which trial such silence  
26 could not be used against Defendant; and
- 27 h. The right to appeal a finding of guilt or any pretrial or trial rulings.

1           **5. United States Sentencing Guidelines.** Defendant understands and  
2 acknowledges that, at sentencing, the Court must consider the sentencing range  
3 calculated under the United States Sentencing Guidelines, together with the other factors  
4 set forth in Title 18, United States Code, Section 3553(a), including: (1) the nature and  
5 circumstances of the offense; (2) the history and characteristics of the defendant; (3) the  
6 need for the sentence to reflect the seriousness of the offense, to promote respect for the  
7 law, and to provide just punishment for the offense; (4) the need for the sentence to  
8 afford adequate deterrence to criminal conduct; (5) the need for the sentence to protect  
9 the public from further crimes of the defendant; (6) the need to provide the defendant  
10 with educational and vocational training, medical care, or other correctional treatment in  
11 the most effective manner; (7) the kinds of sentences available; (8) the need to provide  
12 restitution to victims; and (9) the need to avoid unwarranted sentence disparity among  
13 defendants involved in similar conduct who have similar records. Accordingly,

14 Defendant understands and acknowledges that:

15           a. The Court will determine his applicable Sentencing Guidelines range at the  
16 time of sentencing;

17           b. After consideration of the Sentencing Guidelines and the factors in  
18 18 U.S.C. 3553(a), the Court may impose any sentence authorized by law, up to the  
19 maximum term authorized by law;

20           c. The Court is not bound by any recommendation regarding the sentence to  
21 be imposed, or by any calculation or estimation of the Sentencing Guidelines range  
22 offered by the parties or the United States Probation Department, or by any stipulations  
23 or agreements between the parties in this Plea Agreement; and

24           d. Defendant may not withdraw a guilty plea solely because of the sentence  
25 imposed by the Court.

26           **6. Ultimate Sentence.** Defendant acknowledges that no one has promised or  
27 guaranteed what sentence the Court will impose.

1       7.     **Sentencing Recommendation.** The government will recommend a  
2 sentence of 24 months. Defendant is free to recommend any sentence. Defendant  
3 understands that the Court is not bound by the parties' recommendations.

4       8.     **Sentencing Factors.** The parties agree that the following Sentencing  
5 Guidelines provisions apply to this case for Count 1:

6           a.     A base offense level of 26, pursuant to USSG § 2M5.2(a)(1).

7       The parties agree they are free to argue the application of any other provisions of  
8 the United States Sentencing Guidelines. Defendant understands, however, that at the  
9 time of sentencing, the Court is free to reject these stipulated adjustments, and is further  
10 free to apply additional downward or upward adjustments in determining Defendant's  
11 Sentencing Guidelines range.

12       9.     **Statement of Facts.** The parties agree on the following facts. Defendant  
13 admits he is guilty of the charged offense.

14           a.     In April 2015, WILLIAM ALI and a Chinese national based in  
15 China discussed acquiring certain accelerometers from the United States for export to  
16 China. The Chinese national told ALI that the accelerometers were not officially allowed  
17 to be exported directly from the U.S. to China and to consider the risk when helping to  
18 buy the products. In fact, the accelerometers are designed for space and missile  
19 applications, and are designated on the United States Munitions List, and thus cannot be  
20 legally exported from the United States without an export license issued by the State  
21 Department.

22           b.     WILLIAM ALI ultimately discussed the proposed deal with an  
23 undercover officer. The officer warned ALI that the accelerometers could not be legally  
24 exported from the United States.

25           c.     On April 11, 2016, ALI met the undercover officer in Seattle to pick  
26 up the accelerometers and two other export-restricted items. ALI was arrested at the  
27 meeting with the undercover officer. ALI had planned to smuggle the items from the  
28

1 United States and deliver them to the Chinese national in China. Neither ALI nor anyone  
2 on his behalf had obtained an export license for the accelerometers or other items  
3 authorizing their export from the United States.

4       **10. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,  
5 the United States Attorney's Office for the Western District of Washington agrees to  
6 dismiss Count 2 of the Indictment and not to prosecute Defendant for any additional  
7 offenses known to it as of the time of this Agreement that are based upon evidence in its  
8 possession at this time, and that arise out of the conduct giving rise to this investigation.  
9 In this regard, Defendant recognizes the United States has agreed not to prosecute all of  
10 the criminal charges the evidence establishes were committed by Defendant solely  
11 because of the promises made by Defendant in this Agreement. Defendant agrees,  
12 however, that for purposes of preparing the Presentence Report, the United States  
13 Attorney's Office will provide the United States Probation Office with evidence of all  
14 conduct committed by Defendant. Defendant agrees that any charges to be dismissed  
15 before or at the time of sentencing were substantially justified in light of the evidence  
16 available to the United States, were not vexatious, frivolous or taken in bad faith, and do  
17 not provide Defendant with a basis for any future claims under the "Hyde Amendment,"  
18 Pub. L. No. 105-119 (1997).

19       **11. Acceptance of Responsibility.** The United States acknowledges that if  
20 Defendant qualifies for an acceptance of responsibility adjustment pursuant to USSG §  
21 3E1.1(a), and if the offense level is sixteen (16) or greater, his total offense level should  
22 be decreased by three (3) levels pursuant to USSG § 3E1.1(a) and (b), because he has  
23 assisted the United States by timely notifying the authorities of Defendant's intention to  
24 plead guilty, thereby permitting the United States to avoid preparing for trial and  
25 permitting the Court to allocate its resources efficiently.

26       **12. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that if  
27 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
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1 Agreement and Defendant may be prosecuted for all offenses for which the United States  
2 has evidence. Defendant agrees not to oppose any steps taken by the United States to  
3 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
4 Agreement. Defendant also agrees that if Defendant is in breach of this Plea Agreement,  
5 Defendant has waived any objection to the re-institution of any charges in the Indictment  
6 that were previously dismissed or any additional charges that had not been prosecuted.  
7 Defendant further understands that if, after the date of this Agreement, Defendant should  
8 engage in illegal conduct, or conduct that is in violation of his conditions of his release  
9 (examples of which include, but are not limited to: obstruction of justice, failure to appear  
10 for a court proceeding, criminal conduct while pending sentencing, and false statements  
11 to law enforcement agents, the Pretrial Services Officer, Probation Officer, or Court), the  
12 United States is free under this Agreement to file additional charges against Defendant or  
13 to seek a sentence that takes such conduct into consideration by requesting the Court to  
14 apply additional adjustments or enhancements in its Sentencing Guidelines calculations  
15 in order to increase the applicable advisory Guidelines range, and/or by seeking an  
16 upward departure or variance from the calculated advisory Guidelines range. Under  
17 these circumstances, the United States is free to seek such adjustments, enhancements,  
18 departures, and/or variances even if otherwise precluded by the terms of the plea  
19 agreement.

20       13.     **Waiver of Appeal.** Defendant acknowledges that by entering the guilty  
21 plea required by this plea agreement, Defendant waives all rights to appeal from his  
22 conviction and any pretrial rulings of the court. Defendant further agrees that, provided  
23 the court imposes a custodial sentence that is within or below the Sentencing Guidelines  
24 range (or the statutory mandatory minimum, if greater than the Guidelines range) as  
25 determined by the court at the time of sentencing, Defendant waives to the full extent of  
26 the law:  
27  
28

1           a.     Any right conferred by Title 18, United States Code, Section 3742, to  
2 challenge, on direct appeal, the sentence imposed by the court, including any fine,  
3 restitution order, probation or supervised release conditions, or forfeiture order (if  
4 applicable); and

5           b.     Any right to bring a collateral attack against the conviction and sentence,  
6 including any restitution order imposed, except as it may relate to the effectiveness of  
7 legal representation; and

8           This waiver does not preclude Defendant from bringing an appropriate motion  
9 pursuant to 28 U.S.C. § 2241, to address the conditions of his confinement or the  
10 decisions of the Bureau of Prisons regarding the execution of his sentence.

11           If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
12 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
13 any way, the United States may prosecute Defendant for any counts, including those with  
14 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
15 Agreement.

16           14.   **Voluntariness of Plea.** Defendant agrees that Defendant has entered into  
17 this Plea Agreement freely and voluntarily and that no threats or promises, other than the  
18 promises contained in this Plea Agreement, were made to induce Defendant to enter this  
19 plea of guilty.

20           15.   **Statute of Limitations.** In the event this Agreement is not accepted by the  
21 Court for any reason, or Defendant has breached any of the terms of this Plea Agreement,  
22 the statute of limitations shall be deemed to have been tolled from the date of the Plea  
23 Agreement to: (1) thirty (30) days following the date of non-acceptance of the Plea  
24 Agreement by the Court; or (2) thirty (30) days following the date on which a breach of  
25 the Plea Agreement by Defendant is discovered by the United States Attorney's Office.

26           16.   **Completeness of Agreement.** The United States and Defendant  
27 acknowledge that these terms constitute the entire Plea Agreement between the parties.  
28



1 This Agreement binds only the United States Attorney's Office for the Western District  
2 of Washington. It does not bind any other United States Attorney's Office or any other  
3 office or agency of the United States, or any state or local prosecutor.

4  
5 Dated this 20<sup>th</sup> day of June, 2017.

6  
7   
8 WILLIAM ALI  
9 Defendant

10   
11 PETER CAMIEL  
12 Attorney for Defendant

13   
14 TODD GREENBERG  
15 Assistant United States Attorney

16   
17 THOMAS M. WOODS  
18 Assistant United States Attorney

19   
20 REBECCA COHEN  
21 Assistant United States Attorney